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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/079,758

05/15/1998

DENNIS R MORRISON

MSC-22939-1-

8692

24957

7590

07/27/2006

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EXAMINER

SOROUGH, LAYLA

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/079,758

Examiner

Layla Soroush

Applicant(s)

MORRISON ET AL.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 5/10/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
Non-responsive to restriction election (species)

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

SPREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

The reply filed on May 10, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

"Wherein Group I is the elected invention to be examined, a species election of an (a) outer membrane polymer or its specific composition, as enumerated in claim 6, and a single species election of an (b) energy absorbing trigger particle, as enumerated in all generic claims, is required." See 37 CFR 1.111.

Upon the addition of new claims 97-113 Applicant is required to elect a specific species to a drug or drug precursor of either an anticancer drug or anticancer precursor, an anesthetic, a systemic antibiotic, systemic antifungal, systemic antiviral, antiparasitic, anti-inflammatory, hormone, and thrombolytic agent is required. Further, if an anticancer drug or anticancer precursor is the elected species, a single species election of either a cis-platin, doxorubicin, daunorubicin, diaziquone, paclitaxel, aziridinybenzoquinone, muramyltripeptide, etc of claim 99 is required. If an anesthetic is the elected species, then a single species election of either cocaine, procaine, or lidocaine is required. If a systemic antibiotic is the elected species, then a single species election of either penicillin, vancomycin, a cephalosporin, erythromycin, etc. of claim 103 is required. If a systemic antifungal is the elected species, then a single species election of either nystatin, amphotericin B, or griseofulvin is required. If a systemic antiviral is the elected species, then a single species election of either an idoxuridine, iododeoxuridine, riboviran, or amantidine is required. If an antiparasitic is the elected species, then a single species election is further required. If an anti-inflammatory is the

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elected species, then a single species election is further required. If a hormone is the elected species, then a single species election of either a steroid, hydrocortisone, dexamethasone, a systemic quinolone, etc. of claim 110 is required. If a thrombolytic agent is the elected species, then a single species election of either a urokinase, tissue plasminogen activator, or streptokinase is required.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Layla Soroush whose telephone number is (571)272-5008. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).